

City of Greenbelt
Department of Planning and Community Development
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Memorandum

TO: Michael P. McLaughlin, City Manager
VIA: Celia W. Craze, Director of Planning and
Community Development
FROM: Terri S. Hruby, Assistant Planning Director
DATE: January 5, 2016
RE: PG/MC 110-16 and PG/MC111-16

Two land use bills, PG/MC 110-16 and PG/MC 111-16 are scheduled to be heard by the Prince George's County and Montgomery County State Delegations in mid-January. These bills will impact the Prince George's County's plan review and approval process and the permit review process. The bills are only applicable to Prince George's County, and will have direct impacts on Greenbelt.

PG/MC 110-16

PG/MC 110-16 seeks to remove the Maryland-National Capital Park and Planning Commission (M-NCPPC) from playing a role in the review of certain permit applications related to zoning and subdivision regulations. Under this bill, permit review related to zoning and subdivision regulations would solely lie with the County's Department of Permits, Inspections, and Enforcement (DPIE). Permits associated with detailed site plans, subdivision plans, recreational facilities, traffic review, natural resources and environmental planning reviews, historic work area permits, landscaping and signage would no longer be referred to M-NCPPC for review and approval, and would be reviewed and approved solely by DPIE. The bill does not specifically address building permits, but based on the list above, staff assumes that the intent of the legislation is to remove M-NCPPC staff from playing any role in permit review.

Currently, the permits noted above are referred by DPIE to M-NCPPC for review and sign off. M-NCPPC staff review the permits for compliance with zoning regulations,

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as well as for compliance to conditions imposed by the Planning Board and/or District Council during the plan review process.

The removal of M-NCPPC staff from the permit review process is concerning. M-NCPPC has trained planners that understand the complexities of the County's zoning ordinance, and have experience in reviewing permit applications for conformance with approved plans and conditions of approval, which often can be complex in nature. The recent building permit application filed by Greenbelt Auto and Truck is an example where M-NCPPC staff transmitted a number of technical comments to DPIE that resulted in the permit not being issued. M-NCPPC staff has also been actively involved in permit reviews at Roosevelt Center as a result of the numerous departures from parking and loading standards associated with the Center. Greenbelt Station South Core is an example of a development that has a complex set of conditions of approval that warrant review by M-NCPPC staff. While M-NCPPC staff may sometimes err in its review and approval of permits, it is feared that removing them from the permit referral process may lead to an increased number of permits issued in error.

The legislation does not address whether staff changes will be made at DPIE to ensure that DPIE has the capacity, training and expertise necessary to assume the added permit review responsibilities. Also, it is not clear what the rationale behind this legislation is.

Given the concerns above, staff recommends City Council not support PG/MC 110-16 at this time. Staff will monitor the bill closely to determine if City Council action is needed.

PG/MC 111-16

PG/MC 111-16 is in response to a recent court case, *County Council of Prince George's County V. Zimmer Development Company*, which found the Prince George's County District Council only has appellate jurisdiction to review Planning Board decisions. Historically, the District Council has acted as if it had original jurisdiction over site plan review, and treated the Planning Board as subordinate to the District Council.

PG/MC111-16 aims to take the zoning powers of the Planning Board and Board of Appeals, and vest those rights with the District Council in an effort to codify that the District Council has original jurisdiction, thus restoring the long standing practice. PG/MC 111-16 even goes further to give the District Council original jurisdiction over subdivision plans.

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While staff does see PG/MC 111-16 as possibly providing opportunities for greater public input in the development review process, staff has the following concerns/comments with regard to PG/MC 111-16.

1. Timing - As Council is aware, M-NCPPC is working on rewriting the County's Zoning Ordinance. It should be through this forum that zoning review processes are discussed and formulated. Staff believes any legislative proposals to change the County's development review process should be tabled until the zoning rewrite is complete.
2. Predictability and streamlining- Over the last couple of years the County and M-NCPPC have been taking steps to streamline the plan and permit review process and to adopt policies that make for a more predictable process. PG/MC 111-16 is in direct conflict with these efforts. Expanding the role of elected officials in the development review process does not make for a more predictable process, and adds time and uncertainties.
3. Impact on the Planning Board's function - Making the Planning Board subordinate to the District Council diminishes the function and value of the Planning Board. More clarity on how the proposed legislation impacts the role of the Planning Board, in terms of what has been its long standing function, is needed.
4. Process/Implementation - The legislation does not address the process by which the District Council would assume its additional zoning review powers such as staffing. Clarity on this issue is needed to assess the impacts the legislation will have on the current subdivision and zoning review process.

Given the concerns/questions above, staff recommends opposition on PG/MC 111-16 at this time. Staff will monitor the bill closely and work to get clarity on the intent and full impact of the legislation.